



Planning Commission Staff Report

October 11, 2006
Item 5.a.

SUBJECT: PMSC-2, General Plan Conformity Finding for Pleasanton Memorial Gardens Cemetery

APPLICANT: City of Pleasanton

PROPERTY OWNER: International Order of Odd Fellows Livermore Lodge #219

PURPOSE: Determination that the five-acre Pleasanton Memorial Gardens Cemetery is in conformance with the Pleasanton General Plan

GENERAL PLAN: Public and Institutional

ZONING: A (Agricultural) District

LOCATION: 5780 Sunol Boulevard

ATTACHMENTS:

1. Location Map
2. City Council Staff Report about the Acquisition of the Cemetery Dated "September 5, 2006"

BACKGROUND

Government Code section 65402 requires that each time a public agency disposes of or acquires real property, the Planning Commission must make a finding that such action is consistent with the General Plan. In this situation, the City is proposing to acquire an approximately five-acre parcel currently owned by the International Order of Odd Fellows Livermore Lodge #219. The Planning Commission's role in this matter is to make the consistency finding.

PROJECT DESCRIPTION

The Pleasanton Memorial Cemetery (Cemetery) is an approximately five-acre site located at 5780 Sunol Boulevard in Pleasanton. The Cemetery was owned and operated by the

International Order of Odd Fellows Pleasanton Lodge #255 until the Lodge disbanded in 1999. At that time, the Livermore Lodge #219 became the owner and trustee of the site.

The Cemetery is a non-endowment cemetery. Funds have not been collected over time to provide for the site's continued maintenance. As a result, the site has been maintained to minimum standards; irrigation is sporadic and done by hand, trees have not been pruned, and roadways have not been maintained. Family members of those buried at the site have periodically lodged complaints with the City about the Cemetery's poor appearance. While the City discussed these concerns with the property's owners, the condition and maintenance of the Cemetery is a private contractual matter between the Cemetery's owners (the Odd Fellows) and the gravesite owners or their descendents. The City's primary role has been related to weed abatement managed by the Livermore Pleasanton Fire Department.

Several years ago, one of these concerned family members started a community group to advocate for the preservation and care of the Cemetery. The group incorporated in 2005 as the Pleasanton Pioneer Cemetery, Inc. (Pioneers) and is now a non-profit organization. Initially the Pioneers wanted to purchase and operate the Cemetery but research revealed a number of significant State regulations with which they would have to comply including retaining the services of a certified cemetery operator and funding an endowment fund with a minimum of \$100,000. However, further research revealed that these same regulations do not apply to cemeteries owned by municipalities. In addition, the Pioneers learned that Catholic Funeral and Cemetery Services (CFCS) might be interested in contracting for operations and record keeping if the City was interested in acquiring the site. Based on the above, the Pioneers requested that the City acquire the site. On September 5, 2006, the City Council authorized the acquisition of the site and authorized staff to investigate the potential for designating the site/plots as historical. As proposed, the site would remain a cemetery.

For the Planning Commission's information, attached is the September 5, 2006 City Council staff report which contains additional information about the Cemetery's history, its physical state, and other cities' experience with cemeteries.

ANALYSIS

The subject parcel has a General Plan land use designation of Public and Institutional and is zoned Agricultural District. The Public and Institutional land use designation allows for public and institutional uses, including cemeteries. The General Plan land use designation is implemented by the Agricultural District which conditionally permits cemeteries. The Cemetery has been in existence since the 1880s, before Pleasanton became an incorporated City in 1894, and thus, was established without a conditional use permit. As such, the cemetery use is a legal non-conforming use.

The acquisition of the parcel would be consistent with the following goal and policies of the General Plan:

- Goal 1 of the Land Use Element—To achieve and maintain a complete well-rounded community of desirable neighborhoods, a strong employment base, and a variety of community facilities
- Policy 6 of the Conservation and Open Space Element—Preserve and rehabilitate those cultural and historic resources which are significant to Pleasanton because of their age, appearance, or history
- Policy 9 of the Public Facilities Element—Provide sufficient sites and improvements for a full range of municipal facilities to serve existing and future development

Thus, the cemetery use on the subject parcel would be in conformance with the existing General Plan land use designation and would further the policies and programs of the General Plan.

PUBLIC NOTICE

Staff sent notices of the Planning Commission's public hearing on this item to all property owners and residents located within 1,000 feet of the subject property on September 29, 2006. As of the drafting of this report, staff had not received any comments.

ENVIRONMENTAL ASSESSMENT

This project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) section 15323. Therefore, no environmental document accompanies this report.

STAFF RECOMMENDATION

Staff recommends that the Commission adopt a resolution finding that the subject lot for cemetery use is consistent with the City's General Plan.

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